



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

AUGUST 7, 2009
ELECTRONIC CORRESPONDENCE
DTEETS@PALMBEACHAG.COM

NOTICE OF AIR PERMIT TRANSFER

Permittee:

Palm Beach Aggregates, LLC
20125 State Road 80
Loxahatchee, FL 33470

Air Permit No.: 0990348-007-AO

PALM BEACH COUNTY, FLORIDA

Project: Transfer of Permit No.
0990348-005-AO

Authorized Representative:

Darren Teets
Sales Manager

Dear Mr. Teets:

Attached is the executed "Permit Transfer" for above referenced air pollution permit issued pursuant to Section 403.087, Florida Statutes (F.S.) and Rule 62-4.120, Florida Administrative Code (F.A.C.). This letter shall be attached to the air permit and becomes a part of that permit.

The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.). However, in accordance with Section 403.182, F.S., the DEP recognizes the Palm Beach County Health Department (Health Department) as the approved local air pollution control program of Palm Beach County. Through a Specific Operating Agreement, the DEP authorized the Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County.

Administrative Hearings: A person whose substantial interests are affected by the permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Health Department's office at the address listed below. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this Notice. Petitions filed by any other person must be filed within 14 days of receipt of this Notice. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207, F.A.C.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Health Department's action; (c) A statement of how each petitioner's substantial interests are affected by the Health Department's action; (d) A statement of the material facts disputed by the petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Health Department's action; (f) A statement



PALM BEACH COUNTY HEALTH DEPARTMENT

Post Office Box 29 / 800 Clematis Street, West Palm Beach, FL 33402
www.pbchd.com

identifying the rules or statutes that the petitioner contends require reversal or modification of the Health Department's action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Health Department to take with respect to the action addressed in this Notice.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Health Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any such final decision of the Health Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Effective: The permit transfer is final and effective on the date filed with the Clerk of the Health Department *unless* a petition is filed in accordance with the above paragraphs *or unless* a request for an extension of time in which to file a petition is filed within 14 days of receipt of this permitting action and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time, this permit will not be effective until further Order of the Health Department.

Any party to this Final Order has the right to seek judicial review pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure with the Health Department at the address listed below; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Health Department.

Executed in West Palm Beach, Florida

PALM BEACH COUNTY HEALTH DEPARTMENT

James E. Stormer, Q.E.P., Environmental Administrator
Air & Waste Program
Division of Environmental Health and Engineering

If you have any questions, contact:

Laxmana Tallam, PE,
Permitting Supervisor
Air & Waste Program
Palm Beach County Health Department
P.O. Box 29 (800 Clematis St.)
West Palm Beach, Florida, 33402-0029

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that the Permit Transfer was sent by electronic mail (with Read Receipt) before the close of business on _____ to the identified Authorized Representative.

In addition, the undersigned duly designated agency clerk hereby certifies that *copies* of the Permit Transfer were sent by electronic mail on the same date to the person(s) listed:

Lennon Anderson, P.E.
FL DEP/Southeast District
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401
Lennon.Anderson@dep.state.fl.us

John Bates, Operations Manager
Palm Beach Aggregates, LLC
20125 State Road 80
Loxahatchee, FL 33401
Jbates@PalmBeachAg.com

Joseph Verdone, AICP
Carlton Fields, Attorneys at Law
525 Okeechobee Blvd., Suite 1200
West Palm Beach, FL 33401
jverdone@carltonfields.com

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated agency Clerk, receipt of which is hereby acknowledged.

(Clerk)

(Date)

TRANSFER OF AIR PERMIT

Air Pollution Permit: 0990348-007-AO

Palm Beach Aggregates, LLC

20125 state Road 80
Loxahatchee, Florida 33470

The Permittee name for the Air Permit No. 0990348-005-AO was changed as follows:

FROM:

PERMITTEE

PALM BEACH AGGREGATES, INC
20125 STATE ROAD 80
LOXAHATCHEE, FL 33470

To:

PERMITTEE

PALM BEACH AGGREGATES, LLC
20125 STATE ROAD 80
LOXAHATCHEE, FL 33470

All existing permit conditions remain in effect. This letter shall be attached to the air pollution permit and becomes a part of that permit.